

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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IVAN ANTONYUK, GUN OWNERS OF AMERICA,
INC., GUN OWNERS FOUNDATION, and GUN
OWNERS OF AMERICA NEW YORK, INC.,

Plaintiffs,

-against-

Case No. 22 Civ. 734 (GTS) (CFH)

KEVIN P. BRUEN, in his official capacity as
Superintendent of the New York State Police,

**DECLARATION OF JAMES M.
THOMPSON**

Defendant.

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James M. Thompson hereby declares as follows, pursuant to 28 U.S.C. § 1746:

1. I am a member of the Bar of the State of New York and am admitted to practice in this District. I serve as Special Counsel for Second Amendment Litigation in the office of Letitia James, the Attorney General of the State of New York. With my co-counsel Michael McCartin, I represent Defendant Kevin P. Bruen, in his official capacity as Superintendent of the New York State Police (“Superintendent Bruen”), in this action.

2. I submit this Declaration in support of Superintendent Bruen’s opposition to the Plaintiffs’ motion for a preliminary injunction, ECF No. 9, for the limited purpose of putting before the Court certain documents referenced in the accompanying memorandum of law.

3. Unless otherwise stated, the facts and circumstances set forth in this declaration are based upon my own personal knowledge and my review of documents and information in the legal file relating to this action, and on conversations with members of the New York State Police.

4. Attached as Exhibit 1 is a copy of the Sponsor Memo for New York State Senate

Bill S51001, also known as the Concealed Carry Improvement Act.

5. Attached as Exhibit 2 is a copy of the PPB-3 Pistol License Application form, as revised in February 2007. According to the New York State Police, this would have been the effective application form in 2009, when the Plaintiff indicates he first obtained his permit. See Compl. ¶ 1. Page 1 of the form includes a requirement to list four character references.

6. Attached as Exhibit 3 is an excerpt of the Laws and Liberties of Massachusetts, 1648, including certain orders of the Massachusetts General Court.

7. Attached as Exhibit 4 is an excerpt from the Statutes at Large of Pennsylvania From 1682 to 1801, containing a 1763 act prohibiting the selling of guns to Native Americans.

8. Attached as Exhibit 5 is an excerpt from 1 William Waller Hening, The Statutes at Large: Being a Collection of All the Laws of Virginia From the First Session of the Legislature, in the Year 1619, containing a 1642 act prohibiting the selling of guns to Native Americans.

9. Attached as Exhibit 6 is an excerpt from The Statutes At Large of South Carolina (Thomas Cooper ed. 1837), containing a 1707 act prohibiting the selling of guns to Native Americans.

10. Attached as Exhibit 7 is an excerpt from the Records of Massachusetts, volume 1 (Nathaniel B. Shurtleff ed. 1853), containing a 1637 order disarming certain named followers of a dissident preacher “insomuch as there is just cause of suspition that they . . . may, upon some revelation, make some suddaine irruption upon those that differ from them in judgment.”

11. Attached as Exhibit 8 is an excerpt from the Statutes of the Realm, volume 5 (1819), containing the Militia Act of 1662, which authorized royal officials to “search for and seize all arms in the custody or possession of any person or persons whom the said Lieutenant or

two or more of their deputies shall judge dangerous to the peace of the Kingdom.”

12. Attached as Exhibit 9 is an excerpt from the Statutes of the Realm, volume 6 (1819), containing “An Act for the Better Securing the Government by Disarming Papists and Reputed Papists.”

13. Attached as Exhibit 10 is an excerpt from 7 William Waller Hening, The Statutes at Large: Being a Collection of All the Laws of Virginia From the First Session of the Legislature, in the Year 1619 (Richmond: Franklin Press, 1809), containing the 1756 “Act for Disarming Papists, And Reputed Papists, Refusing To Take The Oaths To The Government.”

14. Attached as Exhibit 11 is an excerpt from the 1775-76 edition of the Massachusetts Acts & Laws, containing “An Act for the executing in the Colony of the *Massachusetts-Bay*, in *New England*, one Resolve of the *American Congress*, dated March 14, 1776, recommending the disarming such persons as are notoriously disaffected to the Cause of *America*, or who refuse to associate to defend by Arms the *United American Colonies*, against the hostile Attempts of the *British* Fleets and Armies, and for the restraining and punishing Person who are inimical to the Rights and Liberties of the said *United Colonies*, and for directing the Proceedings therein.”

15. Attached as Exhibit 12 is an excerpt from the 1776-77 edition of the Laws Enacted in the First Sitting of the First General Assembly of the Commonwealth of Pennsylvania, including “An ACT, obliging the male white inhabitants of this state to give assurances of allegiance to the same,” including a provision that persons refusing or neglecting to take the oath “shall be disarmed by the lieutenant or sublieutenants of the city or counties respectively.”

16. Attached as Exhibit 13 is an excerpt from the 1777 Maryland Session Laws,

including “An ACT for the better security of the government.”

17. Attached as Exhibit 14 is an excerpt from the 1777 North Carolina Session Laws, including “An Act to Amend An Act for Declaring What Crimes and Practices Against the State Shall Be Treason, . . . and for Preventing the Dangers Which May Arise From Persons Disaffected to the State.”

18. Attached as Exhibit 15 is an excerpt from 9 William Waller Hening, The Statutes at Large: Being a Collection of All the Laws of Virginia From the First Session of the Legislature, in the Year 1619 (Richmond: Franklin Press, 1809), containing a 1777 “Act to oblige the free male inhabitants of this state above a certain age to give assurance of Allegiance to the same, and for other purposes.”

19. Attached as Exhibit 16 is an excerpt from the Journals of the Provincial Congress, Provincial Convention, Committee of Safety, and Council of Safety of the State of New York (1842), containing a March 27, 1776 order that “the committees of the several cities, counties, manors, townships, precincts and districts in this Colony, forthwith to cause to be disarmed, all persons within their respective districts who are known to be disaffected to the cause of America.”

20. Attached as Exhibit 17 is a copy of the first federal Militia Act, Public Law 2-33, 1 Stat. 271.

21. Attached as Exhibit 18 is an excerpt from the 1775-76 edition of the Massachusetts Acts & Laws, containing “An Act for the forming and regulating the Militia within the Colony of the *Massachusetts-Bay*, in *New-England*, and for repealing all the Laws heretofore made for that Purpose.”

22. Attached as Exhibit 19 is an excerpt from the 1778 Session Laws of New Jersey,

containing “An ACT for the Regulating, Training and Arraying of the Militia.”

23. Attached as Exhibit 20 is an excerpt from 12 William Waller Hening, The Statutes at Large: Being a Collection of All the Laws of Virginia From the First Session of the Legislature, in the Year 1619 (Richmond: Franklin Press, 1809), containing an October 17, 1785 “Act to amend and reduce into one act, the several laws for regulating and disciplining the militia, and guarding against invasions and insurrections.”

24. Attached as Exhibit 21 is an excerpt from Thomas Greenleaf, Laws of the State of New York, Comprising the Constitution, and the Acts of the Legislature, since the Revolution, from the First to the Fifteenth Session, Inclusive (1792), containing an April 4, 1786 “Act to regulate the Militia.”

25. Attached as Exhibit 22 is an excerpt from the 1780 Session Laws of New York, containing a March 11, 1780 “Act for regulating the militia of the State of New York.”

26. Attached as Exhibit 23 is an excerpt from the 1782 Session Laws of New York, containing an April 4, 1782 “Act to regulate the militia.”

27. Attached as Exhibit 24 is an excerpt from the 1806 Session Laws of New Jersey, containing a March 11, 1806 “Act for establishing and conducting the military force of New-Jersey.”

28. Attached as Exhibit 25 is an excerpt from the 1822 Session Laws of Pennsylvania, containing an April 2, 1822 “Act for the Regulation of the Militia of this Commonwealth.”

29. Attached as Exhibit 26 is a copy of the federal “Act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes,” Public Law 52-159, 27 Stat. 116.

30. Attached as Exhibit 27 is an excerpt from the Ordinances of the Mayor, Aldermen

and Commonalty of the City of New York, In Force January 1, 1881 (Elliot F. Shepard & Ebenezer B. Shafer, eds.), including Article 27, concerning the “Carrying of Pistols.”

31. Attached as Exhibit 28 is an excerpt from the Proceedings of the Board of Aldermen of the City of New York, detailing the January 7, 1878 enactment of the ordinance in Exhibit 27.

32. Attached as Exhibit 29 is an excerpt from the 1880 Session Laws of Ohio, containing “An act to define and suppress tramps.”

33. Attached as Exhibit 30 is an excerpt from the 1879 Session Laws of Tennessee, containing “An Act to amend the Criminal Laws of this State upon the subject of carrying concealed weapons, and amend Section 4759 of the Code.”

34. Attached as Exhibit 31 is an excerpt from the 1876 Session Laws of Wyoming, containing “An Act to Prevent the Carrying of Fire Arms and Other Deadly Weapons.”

35. Attached as Exhibit 32 is an excerpt from the 1881 Session Laws of Arkansas, containing “An Act to Preserve the Public Peace and Prevent Crime.”

36. Attached as Exhibit 33 is an excerpt from the 1871 Session Laws of Texas, containing “An Act to Regulate the Keeping and Bearing of Deadly Weapons.”

37. Attached as Exhibit 34 is a copy of Pennsylvania’s “Application for a Pennsylvania License to Carry Firearms,” part of the Philadelphia Police Department’s application package, obtained from the website of the City of Philadelphia Police Department.

38. Attached as Exhibit 35 is a copy of the Texas House of Representatives Investigative Committee on the Robb Elementary Shooting’s Interim Report 2022, obtained from the website of the Texas House of Representatives.

39. Attached as Exhibit 36 is a copy of a presentation entitled Unreported Information

Showing [Shooter]’s Troubling Behavior, prepared by the Marjory Stoneman Douglas High School Public Safety Commission within the Florida Department of Law Enforcement, obtained from the website of the Florida Department of Law Enforcement. The shooter’s name is omitted from this Declaration and the accompanying Memorandum of Law in keeping with a policy against publicizing the names of mass shooters.

40. Attached as Exhibit 37 is an excerpt of the 1776 Delaware Constitution.

41. Attached as Exhibit 38 is an excerpt from the 1786 Session Laws of Virginia, containing “An Act forbidding and punishing Affrays.”

42. Attached as Exhibit 39 are the minutes of the October 4, 1826 meeting of the Board of Visitors of the University of Virginia, handwritten by Thomas Jefferson. The original manuscript is part of the Thomas Jefferson Papers at the University of Virginia; the digital version was obtained from the *Encyclopedia Virginia* website.

43. Attached as Exhibit 40 are excerpts from the Fourth Annual Report of the Board of Commissioners of the Central Park, dated January, 1861.

44. Attached as Exhibit 41 is an excerpt from the 1870 Session Laws of Texas, containing “An Act Regulating the Right to Keep and Bear Arms.”

45. Attached as Exhibit 42 is an excerpt from the 1883 Session Laws of Missouri, containing an act concerning “Concealed Weapons.”

46. Attached as Exhibit 43 is an excerpt from the 1869-70 Session Laws of Tennessee, containing “An Act to Amend the Criminal laws of the State.”

47. Attached as Exhibit 44 is an excerpt from the 1870 Session Laws of Georgia, containing “An Act to preserve the peace and harmony of the people of this State, and for other purposes.”

48. Attached as Exhibit 45 is an excerpt from the 1873 Session Laws of Pennsylvania, containing “An Act to prevent the carrying of deadly weapons within the city of Harrisburg.”

49. Attached as Exhibit 46 is an excerpt from 3 The Statutes at Large of Pennsylvania from 1682 to 1801 (James T. Mitchell, et al., eds.), containing an August 26, 1721 “Act to prevent the killing of deer out of season, and against carrying of guns or hunting by persons not qualified.”

50. Attached as Exhibit 47 is an excerpt from the 1741 Session Laws of New Jersey, containing an “Act to prevent the Killing of Deer out of Season, and against Carrying of Guns and Hunting by Persons not Qualified.”

51. Attached as Exhibit 48 is an excerpt from the 1715 Session Laws of Maryland, containing an April, 1715 “Act for the speedy trial of criminals, and ascertaining their punishment in the county courts when prosecuted there, and for payment of fees due from criminal persons.”

52. Attached as Exhibit 49 is an excerpt from the 1771 Session Laws of New Jersey, containing a December 21, 1771 “Act for the Preservation of Deer and other Game, and to prevent trespassing with Guns.”

53. Attached as Exhibit 50 is an excerpt from George Paschal, ed., 4 Digest of the Laws of Texas Containing the Laws in Force, and the Repealed Laws on Which Rights Rest, from 1754 to 1875, containing a November 6, 1866 “Act to Prohibit the Carrying of Firearms on Premises or Plantations of any Citizen Without the Consent of the Owner.”

54. Attached as Exhibit 51 is an excerpt from the 1893 Session Laws of Oregon, containing a February 20, 1893 Act “To Prevent a Person from Trespassing upon any Enclosed Premises or Lands not His Own Being Armed with a Gun, Pistol, or other Firearm, and to

Prevent Shooting upon or from the Public Highway.”

55. Attached as Exhibit 52 is a copy of Baron Friedrich von Steuben’s Regulations for the Order and Discipline of the Troops of the United States, including a copy of the March 29, 1779 Congressional resolution ordering that the Regulations “be observed by all the troops of the United States, and that all general and other officers cause the same to be executed with all possible exactness.”

56. Attached as Exhibit 53 is an excerpt from John Carpenter’s Liber Albus: The White Book of the City Of London, showing medieval requirements “that no one, of whatever condition he be, go armed in the said city or in the suburbs . . .”

57. Attached as Exhibit 54 is an excerpt from 1 William Hawkins, A Treatise of the Pleas of the Crown (1716), discussing the limitations on the license to carry weapons in England.

58. I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct.

Dated: New York, NY
August 15, 2022



James M. Thompson